

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Plaintiff(s)
Alesha Fuller
 vs.
SDH Education West, LLC
Defendant(s)

Civil Case No.:
3:15 CV 1154 [TJM/DEP]
 CIVIL COMPLAINT
 PURSUANT TO
 TITLE VII OF THE
 CIVIL RIGHTS ACT,
 AS AMENDED

Plaintiff(s) demand(s) a trial by: X JURY _____ COURT (Select only one).

JURISDICTION

1. Jurisdiction is conferred on this court pursuant to 42 U.S.C. § 2000e-5.

PARTIES

2. Plaintiff: Alesha Fuller
 Address: 188 Main Street
Binghamton, NY 13905

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: SDH Education West, LLC Paul Nowack
 Official Position: _____
 Address: 9801 Washington Blvd
Gaithersburg, MD 20878

b. Defendant: SDIt Education West, LLC William Shannon

Official Position: _____

Address: 9801 Washingtonian Blvd
Gaithersburg, MD 20878

4. This action is brought pursuant to:

☒ Title VII of the Civil Rights Act of 1964, as amended, codified at 42 U.S.C. § 2000e *et seq.*, and the Civil Rights Act of 1991, for employment discrimination based on race, color, religion, sex or national origin.

_____ Pregnancy Discrimination Act of 1978, codified at 42 U.S.C. § 2000e(k), as amended, Civil Rights Act of 1964, and the Civil Rights Act of 1991, for employment discrimination based on pregnancy.

5. Venue is invoked pursuant to 28 U.S.C. s 1391.

6. Defendant's conduct is discriminatory with respect to the following (check all that apply):

- (A) ☒ My race or color.
- (B) ☐ My religion.
- (C) ☒ My sex (or sexual harassment).
- (D) ☐ My national origin.
- (E) ☐ My pregnancy.
- (F) ☐ Other: _____

7. The conduct complained of in this action involves:

- (A) ☐ Failure to employ.
- (B) ☒ Termination of employment.
- (C) ☐ Failure to promote.
- (D) ☒ Unequal terms and conditions of employment.
- (E) ☐ Reduction in wages.
- (F) ☒ Retaliation.
- (G) ☐ Other acts as specified below:

8.

FACTS

Set forth the facts of your case which substantiate your claims. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

I, Alasha Fuller residing at 188 Main Street
Binghamton, NY 13905 charge respondents SDH
Education West, LLC address 9801 Washingtonian Blvd
Gaithersburg, MD 20878 with an unlawful discriminatory
Practice relating to employment violation of Article 15
because of Race/Sex/Color and retaliation.

Most recent date March 27th 2015 I was
terminated from Sodexo because of my Past
Complaints of discrimination and retaliation to filing
Sexual harassment from a Manager.

9.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

See attached document

9/25/15

• March 9th, 2015 I believe I was subject to a meeting because of my previous complaint of Race/Color discrimination. During the meeting I attempted to leave the office because I was upset on the direction of the meeting as I attempted to leave Manager Pavel Nowacki blocked the door, during which time he placed his hand/arm across my chest/bra area.

• I filed a complaint regarding this issue on this same date, and was immediately placed on an "investigatory leave" for a period of 8 days at my return March 27th, 2015 during another meeting I was advised I was terminated. I believe I was subject to discipline and ultimately terminated in retaliation due to my complaints of sexual harassment, and Race/Color discrimination.

• February 2015 I was written up and placed on 3 day suspension for placing bagel bites and cookie dough in the cooler instead a freezer. Caucasian employees store bagel bites and cookie dough in coolers as well. In the meeting it was noted the products had to be discarded however it was not, Manager Dorah changed incorrect information she had documented which make me believe the circumstances surrounding my discipline were fabricated and manufactured in Sodexo's attempt to push me out.

• I had no help in breaking down pallets and putting items where they belong when policy states 2-3 people on the pallets at a time. Caucasian employees are not left alone to break down pallets they are given assistance from Eastern temp because of my Race/sex/color I was left alone to break down 5-13 pallets per day weighing 500-1300 pounds. I suffer back problem now.



January 30th, 2015, I was written up for allegedly leaving an unsafe Storage Room when there were empty boxes in an area where I was trying to Clear Pallets. Caucasian employee Kim Harvey threw the boxes everywhere and it caused a hazard. I told Managers of the situation, I ask Kim Harvey to Pick up her boxes she stated "No". I was told by Managers that this would be handled I was written up when I was not the individual who created the hazard when the Caucasian employee was who responsible for creating the hazard and received no write-up.

Caucasian employees are allowed to leave early and/or come in late, Caucasian employees leave early all the time while Punching in Manager Codes to override their Snooze-ins and/or Snooze-out.

November 25th, 2014 I had called out for Personal reasons. During a meeting with Dorah and Luz Dorah stated I called out because of the "Mike Brown" verdict which is untrue. This statement lead me to believe that Race was a factor for my write-up rather than my alleged misconduct.

December 4th, 2014 I emailed Jim Roloff, director of Catering in regards to work Related issues unrelated to discrimination that same day I received a write-up from Dorah, Luz, and Kim Harvey. The meeting was to discuss issues which happened 2 months prior about attendance.

We discussed I allegedly Snooped-in late October 9th, 2014 at 7:38am and October 27th, 2014 Snooping-in at the same exact time 7:38am, which it was proven I did not Snooze in October 27th, 2014 @ 7:38am because of my Race/color Kim Harvey lied and stated I clocked in late at the same times 2 weeks apart.

November 20th 2014 Case 3:15-cv-01154-TJM-DEF Document 1 Filed 09/28/15 Page 6 of 8
William Shannon called
myself and 3 other African American employees "Niggers" "Negros". I
old Deborah at such time she stated to write a statement which I
did. The next day William Shannon said all he got was a write
up which leads me to believe Sodexo did not take our reports
serious.

- [Signature]

SECOND CAUSE OF ACTION

See attachment

THIRD CAUSE OF ACTION

See attachment

10. I filed charges with the New York State Division on Human Rights, the New York City Commission on Human Rights or Equal Employment Opportunity Commission regarding the alleged discriminatory acts on or about:

February 2015 and June 2015
(Provide Date)

11. The Equal Employment Opportunity Commission issued a Notice-of-Right-to-Sue letter (copy attached) which was received by me on or about:

September 17th, 2015
(Provide Date)

12. The plaintiff is an employee within the meaning of 42 U.S.C. § 2000e(f).
13. The defendant(s) is (are) an employer, employment agency, or labor organization within the meaning of 42 U.S.C. § 2000e(b), (c), or (d).
14. The defendant(s) is (are) engaged in commerce within the meaning of 42 U.S.C. § 2000e(g).

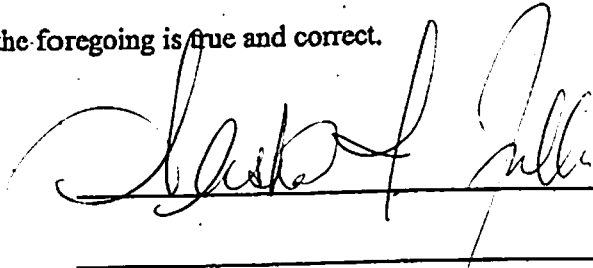
15. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

Plaintiff Request Back Pay, Medical back Pay,
Pain and Suffering, Lost title and wages

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 9/25/15

A handwritten signature in cursive script, appearing to read "Lester J. Miller", written over a horizontal line.

Signature of Plaintiff(s)
(all Plaintiffs must sign)

02/2010